

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

MARCH 19, 2002

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, March 19, 2002 at 9:25 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 9:25 a.m. by Chairman Arthur Slattery.

Present: Commissioners Arthur Slattery, Martin Smith, Pauline Ikawa, Nancy LeRoy, Executive Director Beth Emmons, Investigator Ann Flanagan, and Administrative Assistant Marilyn Priest.

- I. Motion by Commissioner LeRoy, seconded by Commissioner Smith, to approve and accept the minutes of the Commission meeting held on February 7, 2002.

II. APPOINTMENTS

9:25 a.m. - ROBERT DUNNING, JR. appeared before the Commission to ask for an interpretation of RSA 331-A:26 XXIV and to rule whether a broker can refund moneys received at closing as cooperative fees to buyer clients in cases where a broker charges and receives compensation for services rendered in the form of an hourly or flat fee generally paid in part or in full prior to closing, rather than a cooperative fee paid at closing. The Commission requested that Mr. Dunning submit an actual contract in order to review the specific contract language so that they will be able to make a determination.

9:30 a.m. – Equivalency Interviews

<u>CANDIDATE</u>	<u>COMMISSIONER</u>	<u>DETERMINATION</u>
ALEX NOSSIF	SLATTERY	APPROVED
DENNIS VACHON	SMITH	APPROVED

9:50 a.m. – TIM JACQUES appeared before the Commission regarding a previous incident prior to applying for a salesperson's license. After discussion and review, and on a motion by Commissioner LeRoy, seconded by Commissioner Slattery, the Commission voted to allow Mr. Jacques to take the salesperson's exam and apply for a salesperson's license, on the condition that Mr. Jacques' employing broker appear with Mr. Jacques before the Commission to ensure that the broker is aware of Mr. Jacques previous incident. Commissioner Smith was opposed to the decision.

10:10 a.m. – JAMES BAIRD requested to appear before the Commission for an exception to RSA 331-A:18 – license lapsed over 6 month period from expiration date. After discussion and review, the Commission unanimously decided to deny Mr. Baird's request to reinstate his lapsed license. Mr. Baird will be required to retake the broker's examination and complete the required 60 hours of approved study prior to examination.

III. **DISCUSSION**

ROB WALKER submitted a request for reconsideration of the Commission determination of Complaint File No. 2001-05-04. After discussion and review, the Commission unanimously decided to uphold its previous decision of no violation, no hearing necessary. Mr. Walker to be so notified.

PAMELA RUTH requested the Commission to proceed with Complaint File No. 02-01-00, even though Ms. Ruth did not want to attend a hearing. Commissioner Slattery will review the complaint file.

IV. **OTHER BUSINESS**

1. Tuesday, April 16, 2002 was unanimously approved as the date for the next regular meeting.

2. CASE EVALUATIONS

(a) **FILE NO. 2001-10-01**

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(b) **FILE NO. 2001-10-03**

Evaluator: Commissioner Ikawa

Determination: No violation, should not be heard.

(c) **FILE NO. 2001-12-01**

Evaluator: Commissioner Ikawa

Determination: No violation, should not be heard.

(d) **FILE NO. 2002-01-01**

Evaluator: Commissioner Slattery

Determination: Should be heard, hearing to be scheduled.

(e) **FILE NO. 2002-01-02**

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

(f) **FILE NO. 2002-02-01**

Evaluator: Commissioner Slattery

Determination: No violation, should not be heard.

(g) **FILE NO. 2002-02-03**

Evaluator: Commissioner LeRoy

Determination: No violation, should not be heard.

The above determinations were unanimously approved.

VIII. Motion by Commissioner IKAWA, seconded by Commissioner SMITH to adjourn the meeting. Chairman SLATTERY adjourned the meeting at 10:40 a.m.

Respectfully submitted,



PAULINE IKAWA
Acting Clerk